

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**CASE NO. 04 11539 JLT**

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**WALTER STICKLE, ANTHONY  
CALIENDO, JOHN PITINGOLO and  
DANIEL FISHER,  
Plaintiffs**

**v.**

**ARTHUR ORFANOS,  
Defendant**

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**PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION  
SEEKING ORDER TO COMPEL PLAINTIFFS TO PRODUCE  
REQUESTED DOCUMENTS AND CROSS MOTION TO STRIKE**

Now come the plaintiffs in the above-captioned matter and hereby oppose the Defendant's Motion Seeking an Order to Compel the Plaintiffs to Produce Requested Documents. The plaintiffs also cross move to strike the defendant's document request. In support of this opposition and cross motion, the plaintiffs state the following:

1. The defendant sent the plaintiffs' counsel a letter dated October 26, 2006 requesting various document. The plaintiffs' counsel received this letter on October 31, 2006.
2. There is no apparent basis for the defendant to take discovery in this action where he has been defaulted.
3. In his letter, the defendant arbitrarily requested that the plaintiffs produce the documents he was seeking by November 3, 2006, a mere three days after his letter was received.

4. The defendant's letter fails to set forth any basis for requesting the documents, nor does it provide any reason why the plaintiffs would have to respond in such an unreasonably short period of time.

5. Despite the questionable basis for the document request itself, and the unreasonable and arbitrary time allotted for response, the plaintiffs intended to respond within a reasonable period of time and provide the defendant with copies of any of the requested documents that they have in their possession.

6. Unfortunately, less than a week after receiving the defendant's letter requesting documents, the plaintiffs received the defendant's motion to compel.

7. Given the foregoing, it is quite evident that the defendant's actions are calculated only to harass the plaintiffs and interfere with the process of this Court. The plaintiffs respectfully suggest that the defendant's conduct is also consistent with the defendant's previous pattern of filing repetitive and moot motions, which have unfairly prejudiced the plaintiffs by substantially delaying this matter and causing them to incur additional costs.

8. As such, the plaintiffs now request that the defendant's motion to compel be denied and that the Court strike the defendant's document request.

WHEREFORE, for all of the foregoing reasons, the plaintiffs respectfully request that the Defendant's Motion Seeking an Order to Compel the Plaintiffs to Produce Requested Documents be denied and that the plaintiffs' cross-motion to strike be granted.

Respectfully submitted,

**CLARK, HUNT & EMBRY**

*/s/ Michael B. Newman*

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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the within document was served upon the defendant, Arthur Orfanos, by mail this \_\_\_\_ day of November, 2006.

*/s/ Michael B. Newman*

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Michael B. Newman